

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

LIBERTY LEGAL FOUNDATION,
JOHN DUMMETT, LEONARD
VOLODARSKY, CREG MARONEY,

Plaintiffs,
vs.

NATIONAL DEMOCRATIC PARTY OF
THE USA, INC., DEMOCRATIC
NATIONAL COMMITTEE, TENNESSEE
DEMOCRATIC PARTY, DEBBIE
WASSERMAN SCHULTZ, and CHIP
FORRESTER,

Defendants.

Case No. 2:12-cv-02143-cgc

Removal of Case No. CH-11-1757-3 From
Chancery Court for the State of Tennessee
in Shelby County

MOTION TO DISMISS PURSUANT TO RULE 12(b)(3)
OR ALTERNATIVELY TO TRANSFER VENUE

Pursuant to Rule 12(b)(3) or 28 U.S.C. of the Federal Rules of Civil Procedure, Defendant Chip Forrester (“Defendant” or “Forrester”) respectfully moves this Court to dismiss this case against him for improper venue or alternatively to transfer venue to the United States District Court, Middle District of Tennessee. In support of this Motion, Forrester states the following:

1. The Tennessee Democratic Party (“TNDP”) is wholly responsible for submitting a name to the Tennessee Secretary of State Division of Elections (“TN Secretary of State”) identifying the Democratic Party’s nominee for President of the United States;
2. The National Democratic Party of the USA, Inc. (“NDP USA”) plays no role in that process of identifying and nominating the Democratic Party’s nominee for President of the United States;

3. The NDP USA is the only defendant in this case located in the Court's jurisdiction; and
4. The TNDP and Forrester are located in Davidson County, Tennessee.
5. All actions relevant to this case will take place in Davidson County, Tennessee.
6. Accordingly, venue is not proper before this Court. Venue only lies with the United States District Court for the Middle District of Tennessee.
7. In support of this Motion to Dismiss And Alternatively Motion to Transfer Venue, the Defendants rely upon the following:
 - a. All pleadings filed to date;
 - b. All papers filed along with the Notice of Removal, filed on February 23, 2012;
 - c. The Memorandum in Support of the Motion To Dismiss, filed contemporaneously herewith ("Memo in Support").
 - d. The Affidavit of Forrester, filed contemporaneously herewith.

In light of the foregoing, and for the reasons articulated in the accompanying Memo in Support, Defendant Forrester moves this Court to dismiss this action in its entirety, or in the alternative transfer this case to the United States District Court, Middle District of Tennessee.

Submitted this 1st day of March, 2012.

By: /s/ J. Gerard Stranch, IV
J. Gerard Stranch, IV (BPR#023045)
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Counsel for Chip Forrester

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via US Mail, postage prepaid, on March 1, 2012, upon:

Van Irion
Liberty Legal Foundation
9040 Executive Park Dr., Ste. 200
Knoxville, TN 37923

/s/ J. Gerard Stranch, IV
J. Gerard Stranch, IV